

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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JASON P. BRAND,

Plaintiff,

-against-

NARCO FREEDOM, INC., CIGNA LIFE
INSURANCE CO. OF NY, NYS ATTORNEY
GENERAL CHARITIES BUREAU, LARI
LAPPIN JONES, AS RECEIVER, SAMARITAN
VILLAGE, INC., ACACIA NETWORK, NEW
YORK STATE OFFICE OF ALCOHOLISM AND
SUBSTANCE ABUSE, and CORRECTION
OFFICER JOHN DOE,

ORDER

15-CV-05021 (JMA)(GRB)

FILED
CLERK

9/17/2018 2:27 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Defendants.

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AZRACK, United States District Judge:

On August 19, 2015, plaintiff Jason Brand filed a complaint asserting claims under Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Americans with Disabilities Act of 1990 (“ADA”) against defendant Narco Freedom, Inc. (“Narco Freedom” or “defendant”). Defendant moved to dismiss under Fed. R. Civ. P. 12(b)(6), or, in the alternative, for a more definite statement pursuant to Fed. R. Civ. P. 12(e). (ECF No. 99.) Pursuant to an Order dated November 16, 2017, I referred all pretrial proceedings in this matter to Magistrate Judge Gary R. Brown for resolution and all dispositive motions for Report and Recommendation (“R&R”). On August 30, 2018, Judge Brown issued an R&R recommending that defendant’s motion to dismiss the Title VII claim be granted, its motion to dismiss the ADA claim be denied, and that its motion for a more definite statement be denied. (ECF No. 105.) On September 12, 2018, defendant filed objections to Judge Brown’s R&R. (ECF No. 107.)

In reviewing a magistrate judge's report and recommendation, the Court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have undertaken a de novo review of the record, the R&R, and the instant objections and agree with Judge Brown's comprehensive and well-reasoned R&R and accept it as the opinion of the Court. Accordingly, I grant defendant's motion to dismiss the Title VII claim, deny defendant's motion to dismiss the ADA claim, and deny defendant's motion for a more definite statement. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962). The Clerk of Court is directed to mail a copy of this Order to the pro se plaintiff.

SO ORDERED.

Date: September 17, 2018
Central Islip, New York

/s/ (JMA)
Joan M. Azrack
United States District Judge